

REMARKS/ARGUMENTS

Allowable Subject Matter

The Applicant notes that the Examiner has indicated that the allowability of the claims is withdrawn in view of the newly discovered references. Accordingly, the Applicant responds as follows:

Obviousness - Section 103(a) Rejection

The Examiner has rejected claims 1-5, 7, 9-11, 13-19 and 21-35 as being obvious over Baker, Jr. et al. (4,723,744) in view of Cramer (2,613,389). The Applicant respectfully requests the Examiner to reconsider and remove this rejection for the points, authorities and arguments set forth below.

The claims have each been amended as set forth above. The Applicant submits that the claim amendments remove the rejection basis

An invention which satisfies a long felt need which has not yet been fulfilled is clearly not obvious even if an Examiner can find non-analogous art or art outside of the field which the Examiner believes adds the missing elements, especially when the underlying primary reference does not even recognize the problem addressed by this invention.

Firstly, the law requires much more than merely finding two or more references which purport in combination to contain all the elements; instead the law requires that the primary reference must provide some suggestion, teaching or incentive in the prior art reference expressly or perhaps inherently, to make

the combination. Absent the suggestion, teaching or incentive in the prior art, the prior art references are not to be combined and is not obvious.

It is therefore respectfully submitted that the combination of Baker with Cramer does not satisfy the requirement to establish a prima facie combination.

Second, looking to a foot caster in Cramer is outside of the field, is not reasonably pertinent to the particular problem of supporting campers and having to move said support underneath the camper, and is therefore not a proper or sufficient combination on that basis either. The MPEP also requires that in order for the patent office to rely on a reference as a basis for rejection of an applicant's invention, the **reference must be in the field of applicant's endeavor**. MPEP §2141.01(a) (8th ed., rev. no. 3, vol. 2) *citing In re Oetiker*, 977 F.2d 1443, 1446, 24 USPQ2d 1443, 1445 (Fed. Cir. 1992) (emphasis added).

In this case the problem and objectives are sufficiently different as well and negate a finding that the Cramer reference is reasonable pertinent or in the field. A footstool is not pertinent to a heavy duty camper support which must be rolled under a camper and then secured into place.

In this case, a designer of a heavy duty camper support would not look in the lightweight foot and spring supported caster field to support a valuable and very heavy camper which may be expected to additionally have people therein. The first paragraph of Cramer indicates that Cramer relates to a caster-mounted step ladder. So while this invention is primarily a camper support designed primarily to support substantial weight, with some additional elements to allow it to be inserted and removed, more easily, i.e. to address problems that were

wholly unrecognized in the Baker reference, but which are created by the nature of the Baker reference (it is heavy and must somehow be inserted and removed into a difficult location). The Cramer device on the other hand is primarily a mobile, lightweight step ladder, not as a support for something heavy and which may be used as such on a longer term basis.

Third, the Baker patent reference was issued in 1988. This patent application recognizes the problems associated with Baker devices, and this invention provides such a solution. The problem has been present at least since Baker issued, but yet there is no solution in this field of record. In cases where there is a long-felt need such as this, with no invention providing such a solution like this invention does, the invention is not obvious or the combination would have been made before – but is has not been.

For at least all the reasons set forth above, the Applicant asserts that the application is in position to proceed to allowance.

Prior Art Made of Record and Not Relied Upon


The Applicant notes the prior art made of record but not relied upon and asserts that for the reasons set forth above, the claims are allowable over the art made of record.

Conclusion

Applicant is submitting a Request for Continued Examination (RCE) herewith as well as any required fees. Applicant therefore submits that the pending claims are in a position to proceed to allowance.

Respectfully submitted,

Dated: 7-26-07

By: 
Mark W. Hendricksen
Reg. No. 32,356